

RECEIVED
CENTRAL FAX CENTER
JUN 26 2009

Attorney's Docket No. 30701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. 09/484,363)
First Named Applicant: TRACY E. HAMBLET, JR.)
Filed: 1/18/2000)
For: METHOD FOR STABILIZING SOIL)
AGAINST EROSION)
TC/A.U.: 3641)
Examiner: C. Novosad)

Mail Stop Petitions
Attention: Office of Petitions
Assistant Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT –
OFFICE ACTION NOT RECEIVED

1. I hereby petition to withdraw the holding of abandonment in the above-identified case, which was abandoned based upon the allegation that “No reply was received” to the Office Action of October 24, 2008 (a copy of the Notice of Abandonment dated April 28, 2009 being submitted herewith), on the basis that a proper and timely response to the aforementioned Office Action was filed on April 24, 2009.

Appln. No. 09/484,363
Petition to Withdraw Holding of Abandonment


2. I hereby state that a proper and timely response to the Office Action mailed October 24, 2008 was filed in the U.S. Patent and Trademark Office (U.S.P.T.O.) on April 24, 2009 with the proper Petition for Extension of Time, as is evidenced by the following:

- a) a printout of the first page (marked as "Exhibit A) from the "IMAGE FILE WRAPPER" (IFR) tab on PAIRs for the subject application, showing that an "Amendment/Req. Reconsideration—After Non-Final Reject" (and the accompanying parts) was received by the U.S.P.T.O. on April 24, 2009. The relevant entries on the listing for the IFR tab have been underlined for clarity.
- b) a copy of the printed document (marked as Exhibit B) from the IFR tab for the "Amendment/Req. Reconsideration—After Non-Final Reject" entry showing a date stamp of the OIPE of April 24, 2009.

Based upon the above and the attached exhibits, it is submitted that a proper and timely response was filed on April 24, 2009 to the Office Action of October 24, 2008, and that the notice of abandonment was mailed in error as the application is not abandoned.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



Jeffrey A. Proehl (Reg. No. 35,987)
Customer No. **40,158**
P.O. Box 5027
Sioux Falls, SD 57117-5027
(605)336-3890 FAX (605)339-3357

Date:

JUNE 26, 2009



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,363	01/18/2000	Tracy E. Hamblet Jr.	99-0733	9618

40158 7590 04/28/2009
WOODS FULLER SHULTZ & SMITH P.C.
ATTN: JEFFREY A. PROEHL
P.O. BOX 5027
SIOUX FALLS, SD 57117

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT PAPER NUMBER

3641

MAIL DATE DELIVERY MODE

04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment

Application No.

09/484,363

Examiner

Christopher J. Novosad

Applicant(s)

HAMBLET JR., TRACY E.

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 October 2008.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Christopher J. Novosad/
Primary Examiner, Art Unit 3641

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20090427

09/484,363 METHOD FOR STABILIZING SOIL AGAINST EROSION 05-07-2009:11:49:22

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Bibliographic Data

Mail Room Date	Document Code	Document Description	Document Category	Page Count
04-28-2009	BIB	Bibliographic Data Sheet	PROSECUTION	1
04-28-2009	ABN	Abandonment	PROSECUTION	2
04-24-2009	A..	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
04-24-2009	CLM	Claims	PROSECUTION	16
04-24-2009	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	13
04-24-2009	TRAN.LET	Transmittal Letter	PROSECUTION	1
04-24-2009	XT/	Extension of Time	PROSECUTION	1
10-24-2008	CTNF	Non-Final Rejection	PROSECUTION	4
10-24-2008	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
10-24-2008	1449	List of References cited by applicant and considered by examiner	PROSECUTION	1
10-24-2008	BIB	Bibliographic Data Sheet	PROSECUTION	1
09-15-2008	IDS	Information Disclosure Statement (IDS) Filed (SB/08)	PROSECUTION	1
09-15-2008	NPL	NPL Documents	PRIOR ART	2
09-15-2008	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1
09-15-2008	IDS.LET	Information Disclosure Statement Letter	PROSECUTION	2
06-13-2008	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	4
06-13-2008	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
06-13-2008	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
06-13-2008	BIB	Bibliographic Data Sheet	PROSECUTION	1
05-05-2008	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1
05-05-2008	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	1
05-05-2008	CLM	Claims	PROSECUTION	17
05-05-2008	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
05-05-2008	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
02-20-2008	SPEC	Specification	PROSECUTION	1
02-12-2008	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	4
02-12-2008	BIB	Bibliographic Data Sheet	PROSECUTION	1
02-12-2008	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1

EXHIBIT "A"

Appln. No. 09/484,363
AMENDMENT in Response to Office Action

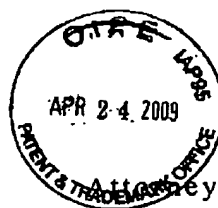


EXHIBIT "B"

Attorney's Docket No. 30701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. 09/484,363)
First Named Applicant: TRACY E. HAMBLET, JR.)
Filed: 1/18/2000)
For: METHOD FOR STABILIZING SOIL)
AGAINST EROSION)

TC/A.U.: 3641)
Examiner: C. Novosad)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

Responsive to the pending Office Action in the above-captioned patent application, please amend the application as follows:

Amendments to the Specification: None.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Amendments to the Drawings: None.

Remarks/Arguments begin on page 18 of this paper.